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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 8 ESTATE OF TASHI S. FARMER a/k/a  
13 TASHII FARMER a/k/a TASHII BROWN,  
14 by and through its Special Administrator, Elia  
15 Del Carmen Solano-Patricio; TAMARA  
16 BAYLEE KUUMEALI' MAKAMAE  
17 FARMER DUARTE, a minor, individually  
18 and as Successor-in-Interest, by and through  
19 her legal guardian, Stevandra Lk Kuanoni;  
20 ELIAS BAY KAIMIPONO DUARTE, a  
21 minor, individually and as Successor-in-  
22 Interest, by and through his legal guardian,  
23 Stevandra Lk Kuanoni,

24 Case Number:  
25 2:17-cv-01946-JCM-PAL

26 **STIPULATION AND ORDER TO**  
**EXTEND DISCOVERY (FIRST**  
**REQUEST)**

27 Plaintiffs,

vs.

28 16 LAS VEGAS METROPOLITAN POLICE  
29 DEPARTMENT, a political subdivision of  
30 the State of Nevada; OFFICER KENNETH  
31 LOPERA, individually and in his Official  
32 Capacity; and Does I through 50 inclusive,

33 Defendants.

34 Pursuant to LR 6-1 and LR 26-4, the parties by and through their respective counsel  
35 of record, hereby stipulate and request that this court extend discovery in the above-  
36 captioned case ninety (90) days, up to and including June 14, 2018. In addition, the parties  
37 request that the expert deadline, dispositive motion and pre-trial order deadlines be extended  
38 for an additional ninety (90) days as outlined herein. In support of this stipulation and  
39 request, the parties state as follows:

## I. DISCOVERY COMPLETED TO DATE

1. On July 18, 2017, the Plaintiffs filed their Complaint. ECF No. 1.

3           2.       On August 4, 2017, Defendant LVMPD filed their Answer to Plaintiffs'  
4 Complaint. ECF No. 7.

5       3.     On August 25, 2017, the parties entered into a stipulation (and the court  
6 ordered) that the discovery regarding Defendant Lopera be limited due to his pending  
7 criminal charges. ECF No. 27.

8           4.       On August 28, 2017, Defendant Lopera filed his Answer to Plaintiffs'  
9 Complaint. ECF No. 28.

5. On September 15, 2017, the parties participated in a FRCP 26(f) meeting.

11 6. On September 27, 2017, Defendant LVMPD provided their initial disclosures  
12 pursuant to Rule 26.

13 7. On September 29, 2017, the Plaintiffs provided their initial disclosure  
14 statement pursuant to Rule 26.

15 8. On September 18, 2017, the Court entered the initial discovery order. ECF  
16 No. 30.

17 9. On October 10, 2017, Defendant LVMPD served each Plaintiff with written  
18 discovery.

19 10. On November 7, 2017, the Plaintiffs served requests for production of  
20 documents on Defendant LVMPD.

21 11. On December 7, 2017, Plaintiffs provided their responses to Defendant  
22 LVMPD's written discovery.

23 12. On December 8, 2017, Defendant LVMPD provided their responses to  
24 Plaintiffs' Requests for Production of Documents.

25 13. On December 20, 2017, Plaintiffs took the depositions of LVMPD Officers  
26 Mike Tran and Ashley Lif.

1           14. On December 21, 2017, Plaintiffs took the depositions of percipient  
 2 witnesses Marcelino Vibas and Peter Infantino.

3           15. On December 21, 2017, Plaintiffs took the deposition of Sergeant Michael  
 4 Bland – LVMPD’s Rule 30(b)(6) witness with respect to use of force training and policies.

5           16. On December 27, 2017, Plaintiffs took the deposition of LVMPD Deputy  
 6 Chief John McGrath – LVMPD’s Rule 30(b)(6) witness regarding policy changes.

7           17. On December 27, 2017, Plaintiffs took the deposition of LVMPD Officer  
 8 Travis Crumrine.

9           18. All parties have retained and are consulting with expert witnesses.

10          19. The parties are actively working to set the Plaintiffs’ guardian ad litem’s  
 11 depositions. The guardian ad litem currently resides in Hawaii and scheduling has been  
 12 somewhat problematic.

13          **II. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

14          Plaintiffs and Defendant LVMPD have actively participated in discovery. Despite  
 15 the stay regarding discovery against Defendant Lopera, his counsel has participated in all  
 16 conferences and depositions. After the recent depositions of the percipient witnesses and  
 17 LVMPD officers, Plaintiffs have indicated that they intend to amend their Complaint to  
 18 include new claims and new parties. The parties anticipate filing a stipulation to amend the  
 19 complaint within the next two weeks. The parties agree that the scope of their expert reports  
 20 will need to cover the new parties and claims once filed. Therefore, moving the expert  
 21 deadlines is necessary.

22          **III. DISCOVERY REMAINING**

23          1. Plaintiffs intend to file an amended complaint identifying new claims and  
 24 new parties based upon information obtained during the recent depositions. Although the  
 25 deadline to name new parties and add new claims has passed, the parties will stipulate to  
 26 allow this amendment to avoid the filing of a separate lawsuit.

1       2.    Defendant LVMPD intends to take the deposition of the Plaintiffs' guardian  
2 ad litem who currently resides in Hawaii. The parties are working on an agreeable time for  
3 all parties to conduct the depositions.

4       3.    Defendant LVMPD intends to take the deposition of witness Trinita Farmer.

5       4.    Plaintiffs intend to take the deposition of percipient witnesses, including, but  
6 not limited to, Carolyn Becic, Ronnie Guy, Cody Kollar, Jonathan Pierce, and Ofc. Michael  
7 Flores.

8       5.    The parties need to disclose expert witnesses and rebuttal experts.

9       6.    The parties need to take the depositions of each parties' experts.

10      7.    The Plaintiffs intend to take the deposition of Defendant Lopera if the  
11 criminal case gets resolved.

12 **IV. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**  
13 **SCHEDULING ORDER**

14      LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling  
15 Order. Any stipulation or motion must be made no later than twenty-one (21) days before  
16 the expiration of the subject deadline, and comply fully with LR 26-4. The parties  
17 acknowledge that the expert deadline is less than twenty-one (21) days away. All parties  
18 (except Kenneth Lopera) are prepared to disclose their experts based on the current parties  
19 and claims. However, based upon the fact that Plaintiffs intend to amend their complaint to  
20 include new parties and claims, the parties believe it is in the best interest of the  
21 management of the case to extend the expert deadline until all necessary claims and parties  
22 are joined in the lawsuit.

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24       ///

25       ///

1 The following is a list of the current discovery deadlines and the parties' proposed  
2 extended deadlines.

ACTIVITY	DATE	PROPOSED DEADLINE
<i>Expert Disclosures Pursuant to Fed.R.Civ.P. 26(a)(2)</i>	<i>Tuesday, January 16, 2018</i>	<i>Monday, April 16, 2018</i>
<i>Rebuttal Expert Disclosure Pursuant to Fed.R.Civ.P. 26(a)(2)</i>	<i>Monday, February 13, 2018</i>	<i>Monday, May 14, 2018</i>
<i>Discovery Cut-Off Date</i>	<i>Wednesday, March 14, 2018</i>	<i>Thursday, June 14, 2018</i>
<i>Dispositive Motions</i>	<i>Friday, April 13, 2018</i>	<i>Friday, July 13, 2018</i>
<i>Joint Pretrial Order</i>	<i>Monday, May 14, 2018</i>	<i>Tuesday, August 14, 2018</i>

11        This request for an extension of time is not sought for any improper purpose or other  
12 purpose of delay. The parties have worked together at moving discovery forward and have  
13 conducted significant discovery up to this point. The parties have worked diligently at  
14 complying with the case's original deadlines, but recent depositions led the parties to agree  
15 that additional parties and claims should be handled in this lawsuit.

16 This is the first request for extension of time in this matter. The parties respectfully  
17 submit that the reasons set forth above constitute compelling reasons for the discovery  
18 extension.

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1 WHEREFORE, the parties respectfully request that this court extend the discovery  
2 period by ninety (00) days from the current deadline of March 14, 2018 up and until  
3 including June 14, 2018, and the other discovery dates as outlined in accordance with the  
4 table above.

5 APPROVED AS TO FORM AND CONTENT.

6 Dated this 4th day of January, 2018.

Dated this 4th day of January, 2018.

7 ABIR COHEN TREYZON SALO, LLP

8 MARQUIS AURBACH COFFING

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14 CALLISTER LAW

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21 **ORDER**

22 IT IS SO ORDERED this 10th day of January, 2018.

23   
24 UNITED STATES MAGISTRATE JUDGE